

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
) No. 3:20-CR-18
v.)
) JUDGES VARLAN / MCCOOK
MARILYN STERK)

AGREED PRELIMINARY ORDER OF FORFEITURE

On February 19, 2020, an Indictment [Doc. 8] was filed charging the Defendant, Marilyn Sterk, and others, with conspiracy to commit wire fraud and mail fraud, in violation of 18 U.S.C. §§ 1349, 1341 and 1343 (Count One), and with conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h) (Count Two).

In the forfeiture allegations of the Indictment the United States sought forfeiture of the interest of the Defendant in any property, real or personal, which constitutes or is derived from proceeds traceable to an offense as set forth in Count One of the Indictment, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461 and any properties, real or personal, involved in the offense as set forth in Count Two, and any and all properties traceable thereto, pursuant to 18 U.S.C. § 982(a)(1).

A Bill of Particulars for Forfeiture of Property [Doc. 48] was filed on March 24, 2020, wherein the United States gave notice that it is seeking forfeiture of additional properties, including the properties as set forth in the forfeiture allegations of the Indictment.

A Plea Agreement [Doc. 98] was filed on September 9, 2022. On November 7, 2022, this Court accepted the guilty plea of the Defendant for violations of 18 U.S.C. §§ 1349, 1341 1343, and 1956(h) as set forth in Counts One and Two of the Indictment. Based upon the guilty plea and conviction of the Defendant, the Court has determined that the properties identified below are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), 982(a)(1) and 28 U.S.C.

§ 2461. Further, the United States has established the requisite nexus between the properties and the violations charged in Counts One and Two of the Indictment, to which the Defendant pled guilty.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. Based upon the guilty plea of the Defendant for an offense in violation of 18 U.S.C. §§ 1349, 1341 1343, and 1956(h) as set forth in the Indictment, and pursuant to the Plea Agreement and Federal Rule of Criminal Procedure 32.2(b)(2)(A), the Defendant's right, title, and interest in the following properties are hereby forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(C), 982(a)(1) and 28 U.S.C. § 2461:

- a) \$11,353.75 in U.S. currency seized on or about November 21, 2018, from Community 1st Credit Union Bank account number xxxx1217, in the name of Tydan Tech, LLC;
- b) \$21,611.06 in U.S. currency seized on or about November 13, 2018, from Community 1st Credit Union Bank account number xxxx0238, in the name of Cloudcomm Technologies, LLC;
- c) \$4,971.28 in U.S. currency seized on or about November 13, 2018, from Community 1st Credit Union Bank account number xxxx5490, in the name of Alignteq, LLC;
- d) \$11.96 in U.S. currency seized on or about or about November 13, 2018, from Community 1st Credit Union Bank account number xxxx1627, in the name of Azure Support, LLC; and
- e) \$424.68 in U.S. currency seized on or about November 13, 2018, from Community 1st Credit Union Bank account number xxxx0923, in the name of IDT Info Solutions, LLC;
- f) \$10,000.00 U.S. Currency, seized on or about March 12, 2020;
- g) \$50,000.00 U.S. Currency, seized on or about October 29, 2020;
- h) \$91.00 U.S. Currency, seized on or about October 29, 2020; and
- i) \$840.00 U.S. Currency, seized on or about October 29, 2020;
- j) iPad Mini Serial F7PN1N6VF196, seized on or about November 13, 2018;

- k) Apple iPad Serial DMPY607JKD6J, seized on or about January 29, 2020;
- l) Apple iPad Serial DLXC10GGKC51, seized on or about January 29, 2020;
- m) Apple Macbook Serial C02ZP5MELVDC, seized on or about January 29, 2020;
- n) Apple iPad – Grey in color, seized on or about October 29, 2020; and
- o) 2015 Toyota Corolla - VIN # 5YFBURHE8FP266060, seized on or about October 29, 2020.

2. The properties are to be held by the United States Marshals Service or its designated representative, until the investigation is complete.

3. Pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall give notice of its intent to dispose of the properties in such a manner as the United States Attorney General may direct. The Notice shall provide that any person other than the Defendant, having or claiming a legal interest in the above-listed properties must file a petition with the Court within sixty (60) days from the first day of publication of this Notice on the official Government website, which is www.forfeiture.gov.

4. The Notice shall also state that the petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the properties shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, and interest in the properties, the time and circumstances of the petitioner's acquisition of the right, title, and interest in the properties and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written Notice to any person, as a substitute for published Notice as to those persons so notified. *See* 21 U.S.C. § 853(n)(3).

5. Upon adjudication of all other or third-party interests in the properties, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. §§ 1341, 1343, 1349, and 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c), in which all interests will be addressed.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

ENTER:



THOMAS A. VARLAN
United States District Judge

Submitted by:

FRANCIS M. HAMILTON III
United States Attorney

By:



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Defendant



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